

EXAMINATION OF ARTICLED CLERKS

PAPER IV

CONVEYANCING

Monday, 14th November, 2022

Time: 3 Hours (1:00 PM to 4:00 PM)

TOTAL MARKS – 100

Notes:

- (i) Please read the entire question paper carefully prior to answering
- (ii) Answers shall be evaluated for an analytical approach and clarity of thought. Answers should be to the point
- (iii) Quote sections in support of your answers whether specifically mentioned in the question or not.
- (iv) Quote case law (if any) in support of your answers

1. Draft any one of the following: 15 Marks
 - i. Agreement of transfer of Tenancy.
 - OR
 - ii. Deed of re-conveyance of mortgaged property.

2. Draft any three of the following: 12 Marks
 - i. Covenant of quiet enjoyment.
 - ii. Joint Will
 - iii. Operative clause in a Deed of Release.
 - iv. Accountable Receipt.

3. Answer whether True or False. Give reasoning in one bullet point. 10 Marks
 - i. Under section 2(10) of the Registration Act, 1908, the word "representative" includes the guardian of a minor.
 - ii. A Will cannot be registered after the death of the Testator.
 - iii. A document containing interlineations, blanks, erasures or alterations under section 20 will be refused registration by the registering officer.

- iv. Any document remaining unclaimed for a period exceeding one year can be destroyed.
- v. A document in writing agreeing to separate a coparcenary property but without effecting any division as such is not compulsorily registrable.

4. Answer any three of the following: 12 Marks
- i. Meaning of Instrument under the Maharashtra Stamp Act.
 - ii. How is Stamp Duty calculated?
 - iii. What is True Market Value?
 - iv. Adjudication of Instruments.
5. Distinguish between any two of the following: 10 Marks
- i. Novatio and a transfer of actionable claim.
 - ii. Vested and Contingent rights.
 - iii. Mortgage and Charge
6. Write short notes on any 3 of the following: 9 Marks
- i. Actionable Claim.
 - ii. Doctrine of election.
 - iii. Right of redemption.
 - iv. Subrogation.
7. As ostensible owner has his name entered in the revenue record as owner. He mortgages the property. On the date of the mortgage, the rightful owner's suit against him for recovery of possession of the property was pending and it is subsequently decreed. When the rightful owner seeks to avoid the mortgage, the mortgagee resists the claim by pleading that the mortgagor was the ostensible owner of the property when it was mortgaged. How would you decide this case? 5 Marks
8. Answer in Yes or No. Give reasoning in one bullet point. 5 Marks
- i. Does the definition of 'promoter' include public bodies such as Development Authorities and Housing Boards?

ii. Does a real estate project having land area of 510 sq.mts. but containing less than 8 apartments need to be registered?

iii. Is issuance of prospectus considered to be a case of 'advertisement'?

iv. Does the term 'allottee' include a tenant.

v. Can a complainant approach both the Regulatory Authority and the Consumer Forum for the same disputes?

9. Is it permissible to sell parking to Allottees under RERA? 4 Marks
10. Briefly enumerate the liabilities of a Promoter under MOFA. 4 Marks
11. What are the consequences of not registering a document required to be registered under section 4 of MOFA? 2 Marks
12. Write short notes on any three of the following: 12 Marks
- i. Ambiguity in the language of the Will.
 - ii. Ademption of legacies.
 - iii. Onerous bequests.
 - iv. Conditional bequests.
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